House File 2416 - Introduced

HOUSE FILE 2416
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 639)

A BILL FOR

- 1 An Act relating to the coordination of enforcement activities
- 2 between the department of transportation and the department
- 3 of public safety, including provisions relating to
- 4 department of transportation employees designated as peace
- officers, and including effective date provisions.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 321.477, subsection 1, Code 2018, is
- 2 amended to read as follows:
- 3 1. The department may designate by resolution certain of its
- 4 employees upon each of whom there is conferred the authority of
- 5 a peace officer to enforce all the laws of the state including
- 6 but not limited to the rules and regulations of the department
- 7 described in subsection 2. Employees designated as peace
- 8 officers pursuant to this section shall have the same powers,
- 9 duties, privileges, and immunities conferred by law on peace
- 10 officers for relating to the enforcement of all such laws of
- 11 this state and the apprehension of violators.
- 12 Sec. 2. Section 321.477, subsection 2, Code 2018, is amended
- 13 by striking the subsection and inserting in lieu thereof the
- 14 following:
- 2. Employees designated as peace officers pursuant to
- 16 this section shall only engage in the following enforcement
- 17 activities:
- 18 a. The enforcement of federal motor carrier safety
- 19 regulations and federal motor carrier hazardous materials
- 20 regulations as adopted in this chapter and in rules adopted by
- 21 the department under this chapter.
- 22 b. The regulation of the operating authority of motor
- 23 carriers.
- 24 c. The regulation of the movement, safety, and lawful
- 25 operation of commercial motor vehicles.
- 26 d. The regulation of the operating authority of commercial
- 27 motor vehicle operators and the enforcement of traffic and
- 28 safety laws on operators of commercial motor vehicles.
- 29 e. The enforcement and performance of other activities
- 30 necessary for the motor carrier safety assistance program and
- 31 the high priority program administered under 49 C.F.R. pt. 350.
- 32 f. The investigation and enforcement of matters relating to
- 33 or arising out of responsibilities entrusted to the department.
- 34 g. The control and direction of traffic.
- 35 h. The enforcement of motor vehicle laws relating to the

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- 1 operating authority, registration, size, weight, and load of
- 2 motor vehicles and trailers.
- 3 i. The enforcement of laws, the violations of which are
- 4 defined as serious violations under 761 IAC 615.17(2).
- j. The enforcement of speed restrictions where a motor
- 6 vehicle is traveling fifteen miles per hour or more over the
- 7 legal speed limit.
- 8 k. The enforcement of rules and regulations of the
- 9 department.
- 10 Sec. 3. Section 321.477, subsection 3, unnumbered paragraph
- 11 1, Code 2018, is amended to read as follows:
- 12 Employees designated as peace officers pursuant to this
- 13 section shall not exercise the general powers of a peace
- 14 officer authorized under subsection 2 within the limits of any
- 15 city, except as follows:
- 16 Sec. 4. Section 321.477, subsection 3, paragraphs d and f,
- 17 Code 2018, are amended to read as follows:
- 18 d. While in the pursuit of law violators or in investigating
- 19 law violations, to the extent the pursuit or investigation is
- 20 authorized under subsection 2.
- 21 f. When engaged in the investigation and enforcement of laws
- 22 relating to narcotic, counterfeit, stimulant, and depressant
- 23 drugs, to the extent the investigation and enforcement is
- 24 authorized under subsection 2.
- Sec. 5. Section 321.477, Code 2018, is amended by adding the
- 26 following new subsection:
- 27 NEW SUBSECTION. 5A. The department and the department
- 28 of public safety shall coordinate to provide effective and
- 29 efficient enforcement of all laws of the state, including any
- 30 related regulatory actions. This subsection shall not be
- 31 construed to authorize employees of the department designated
- 32 as peace officers pursuant to this section to enforce laws of
- 33 the state not otherwise authorized under subsection 2.
- 34 Sec. 6. REPEAL. 2017 Iowa Acts, chapter 149, section 4, is
- 35 repealed.

1 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate 2 importance, takes effect upon enactment. 3 **EXPLANATION** The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. In 2017, the general assembly amended Code section 321.477 7 to specify the powers, duties, and limitations of department of 8 transportation (DOT) employees designated as peace officers. 9 Under Code section 321.477, the DOT is authorized to designate 10 by resolution certain of its employees upon each of whom there ll is conferred the authority of a peace officer to enforce all 12 laws of the state including but not limited to the rules and 13 regulations of the DOT. Employees designated as peace officers 14 in this manner have the same powers conferred by law on 15 peace officers for the enforcement of all laws of this state 16 and the apprehension of violators. Under the terms of the 17 2017 legislation, the amended language is set to be repealed 18 effective July 1, 2018. Because this bill amends language 19 enacted in 2017, the bill repeals the future repeal provision. The bill alters Code section 321.477 to provide that DOT 21 employees designated as peace officers shall only engage in 22 the enforcement of federal motor carrier safety regulations 23 and federal motor carrier hazardous materials regulations; 24 the regulation of the operating authority of motor carriers; 25 the regulation of the movement, safety, and lawful operation 26 of commercial motor vehicles; the regulation of the operating 27 authority of commercial motor vehicle operators and the 28 enforcement of traffic and safety laws on operators of 29 commercial motor vehicles; the enforcement and performance 30 of other activities necessary for the motor carrier safety 31 assistance program and the high priority program; the 32 investigation and enforcement of matters relating to or 33 arising out of responsibilities entrusted to the DOT; the 34 control and direction of traffic; the enforcement of motor 35 vehicle laws relating to the operating authority, registration,

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- 1 size, weight, and load of motor vehicles and trailers; the
- 2 enforcement of laws, the violations of which are defined as
- 3 serious violations under 761 IAC 615.17(2); the enforcement
- 4 of speed restrictions where a motor vehicle is traveling 15
- 5 miles per hour or more over the legal speed limit; and the
- 6 enforcement of rules and regulations of the DOT.
- 7 The bill provides that the DOT and the department of public
- 8 safety are required to coordinate to provide effective and
- 9 efficient enforcement of all laws of the state, including any
- 10 related regulatory actions. However, the bill provides this
- 11 provision shall not be construed to authorize employees of the
- 12 DOT designated as peace officers to enforce laws of the state
- 13 not otherwise authorized under the bill.
- 14 The bill takes effect upon enactment.